

Appl. No. : 10/690,983
Filed : October 22, 2003

REMARKS

The foregoing amendments and the following remarks are responsive to the May 13, 2005 Office Action. Claims 1, 2, and 41 are amended, Claims 3-38 and 42-45 remain as originally filed, and Claims 39 and 40 are cancelled without prejudice. Thus, Claims 1-38 and 41-45 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

Response to Rejection of Claims 1, 39, and 40 Under Obviousness-Type Double Patenting

In the May 13, 2005 Office Action, the Examiner rejects Claim 1 under the doctrine of obviousness-type double patenting over Claim 1 of U.S. Patent Application No. 10/691,481. The Examiner also rejects Claims 39 and 40 under the doctrine of obviousness-type double patenting over Claims 19 and 20 of U.S. Patent Application No. 10/690,833 and over Claims 19 and 20 of U.S. Patent Application No. 10/803,243.

As described herein, Applicants have amended Claim 1 and have cancelled Claims 39 and 40. In the interest of expediting allowance of the present application, Applicants are submitting herewith a terminal disclaimer to overcome the obviousness-type double patenting rejection of Claim 1. Applicants' submission of this terminal disclaimer to obviate the nonstatutory double patenting rejection is not an admission of the propriety of the rejection (*see*, M.P.E.P. § 804.02 (II), August 2001, page 800-32). Applicants respectfully request that the Examiner withdraw the rejection of Claim 1 and pass Claim 1 to allowance.

Response to Rejection of Claims 1-45 Under 35 U.S.C. § 103(a)

In the May 13, 2005 Office Action, the Examiner rejects Claims 1-45 under 35 U.S.C. § 103(a) as being unpatentable over Uraki *et al.* (U.S. Patent No. 5,977,515) in view of Otsubo *et al.* (U.S. Patent No. 6,507,000).

Claim 1

As described herein, Applicants have amended Claim 1 to recite (emphasis added):

1. An apparatus for processing a surface of an inhabitable structure, the apparatus comprising:

a laser base unit adapted to provide laser light to an interaction region, the laser light removing material from the structure, the laser base unit comprising a laser generator and a laser head coupled to the laser generator, the laser head adapted to remove the material from the interaction region, thereby providing reduced disruption to activities within the structure;

a laser manipulation system comprising:

an anchoring mechanism adapted to be releasably coupled to the structure; and

a positioning mechanism releasably coupled to the anchoring mechanism and releasably coupled to the laser head, the laser manipulation system adapted to controllably adjust the position of the laser head relative to the structure; and

a controller electrically coupled to the laser base unit and the laser manipulation system, the controller adapted to transmit control signals to the laser base unit and to the laser manipulation system in response to user input.

Applicants submit that Uraki *et al.* ("Uraki") in view of Otsubo *et al.* ("Otsubo") does not disclose or suggest all the limitations of amended Claim 1. Uraki discloses a laser system for processing surfaces of an underwater structure. As shown by Figure 19 of Uraki, a laser chamber 2 is mounted on a support structure 99-104 which is located above the water level 59. Uraki is silent regarding the connection between the support structure 99-104 and the structure 97 upon which the laser operates. Thus, Uraki does not disclose or suggest "an anchoring mechanism adapted to be **releasably coupled to the structure**" as recited by amended Claim 1 (emphasis added). In addition, Uraki does not disclose or suggest that the positioning mechanism is "**releasably coupled to the anchoring mechanism**" or that the positioning mechanism is "**releasably coupled to the laser head**," as recited by amended Claim 1 (emphasis added).

Otsubo discloses a system for laser drilling of a workpiece and removing dust from the area being processed by the laser. For example, in Figure 1, Otsubo teaches a laser lens table 2, a workpiece 4 to be processed, and a dust removal system 3. Figure 1 of Otsubo discloses a gap E which is "required for allowing free movement[] of the workpiece" relative to the laser drilling system (see, e.g., Otsubo at column 2, lines 57-58). Accordingly, Otsubo does not disclose or suggest that the workpiece is coupled to the laser drilling machine, much less releasably. Thus, Otsubo does not disclose or suggest that the laser drilling machine has "an anchoring mechanism adapted to be **releasably coupled to the structure**," as recited by amended Claim 1 (emphasis added). In addition, Otsubo does not disclose or suggest that the positioning mechanism is "**releasably coupled to the anchoring mechanism**" or that the positioning mechanism is "**releasably coupled to the laser head**," as recited by amended Claim 1 (emphasis added).

Therefore, the combination of Uraki and Otsubo fails to disclose or suggest the claimed invention recited by amended Claim 1. Applicants respectfully request that the Examiner withdraw

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the rejection of Claim 1 and pass Claim 1 to allowance.

Claims 2-38

Claims 2, 3, 6-11, 17, 18, 22-27, 33, and 34 depend from amended Claim 1. Claims 4 and 5 depend from Claim 3. Claims 12-15 depend from Claim 11. Claim 16 depends from Claim 15. Claim 19-21 depend from Claim 18. Claims 28, 29, and 32 depend from Claim 27. Claims 30 and 31 depend from Claim 29. Claims 33 and 34 depend from Claim 1. Claim 35 depends from Claim 34. Claims 36-38 depend from Claim 35. Therefore, each of Claims 2-38 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Accordingly, for at least the reasons stated above with respect to amended Claim 1, Applicants submit that Claims 2-38 are also patentably distinguished over Uraki in view of Otsubo. Applicants respectfully request the Examiner withdraw the rejection of Claims 2-38 and pass these claims to allowance.

Claims 39 and 40

As described herein, Applicants have cancelled Claims 39 and 40 without prejudice, reserving the right to pursue allowance of these claims in a continuation application.

Claim 41

As described herein, Applicants have amended Claim 41. For reasons similar to those discussed above with regard to amended Claim 1, Applicants submit that amended Claim 41 is patentably distinguished over Uraki in view of Otsubo. Applicants respectfully request the Examiner withdraw the rejection of Claim 41 and pass Claim 41 to allowance.

Claims 42-45

Claims 42-45 depend from amended Claim 41. Therefore, each of Claims 42-45 includes all the limitations of amended Claim 41, as well as other limitations of particular utility. Accordingly, for at least the reasons stated above with respect to amended Claim 41, Applicants submit that Claims 42-45 are also patentably distinguished over Uraki in view of Otsubo. Applicants respectfully request the Examiner withdraw the rejection of Claims 42-45 and pass these claims to allowance.

Summary

For the foregoing reasons, Applicants submit that Claims 1-38 and 41-45 are in condition for allowance, and Applicants respectfully request such action.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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